

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION**

PERFECT BARRIER, L.L.C., an Indiana)	
LLC,)	
)	
Plaintiff,)	
v.)	Cause No.: 3:07CV0103 RL-CAN
)	
WOODSMART SOLUTIONS, INC., a)	
Florida corporation,)	
)	
Defendant,)	
_____)	
)	
WOODSMART SOLUTIONS, INC.,)	
)	
Counter-Plaintiff and)	
Third Party Plaintiff,)	
)	
v.)	
)	
PERFECT BARRIER,)	
)	
Counter-Defendant,)	
)	
And JOHN K. BANKS and)	
WILLIAM P. BANKS,)	
)	
Third Party Defendants.)	
_____)	

**MOTION TO COMPEL COMPLIANCE WITH PROTECTIVE ORDER
AND FOR SANCTIONS**

Pursuant to Fed. R. Civ. P. 26(c) and N.D. Ind. L. R. 37.1, Plaintiff, Perfect Barrier LLC (“Perfect Barrier”) hereby moves that the Court enter an Order compelling Defendant WoodSmart Solutions, Inc. (“WoodSmart”) to comply with this Court’s February 7, 2008 Protective Order and for sanctions. Specifically, Perfect Barrier seeks an Order compelling Defendant to reclassify the documents that it unnecessarily has designated as Attorneys-Eyes-

Only as “Confidential” or “Non-Confidential” in accordance with the Protective Order. Perfect Barrier seeks attorneys’ fees associated with this motion pursuant to the Protective Order and asks that the Court bar WoodSmart from further use of the Attorneys-Eyes-Only designation and impose any and all other sanctions the Court deems appropriate.

In support of its motion, Perfect Barrier submits the attached memorandum of law and certification that the Parties have conferred in an attempt to resolve this matter pursuant to L. R. Civ. P. 37.1; however, WoodSmart has refused to comply with the terms of this Court’s Protective Order to which it consented. Instead of carefully and sparingly using the Attorneys-Eyes-Only designation as provided in the Protective Order, WoodSmart has blanketed 96% of its document production with the designation without any consideration as to the content of the documents so designated. WoodSmart has abused this most restrictive designation in a blatant attempt to thwart its production responsibilities and to impose the burden of carefully reviewing its confidential documents on Perfect Barrier. For this abuse, WoodSmart should be sanctioned.

WHEREFORE, Plaintiff Perfect Barrier respectfully requests entry of an Order that:

- (a) requires WoodSmart to re-designate its production within ten (10) days of entry of the Order;
- (b) sanctions WoodSmart for its conduct by requiring WoodSmart to pay Perfect Barrier for the attorneys’ fees incurred in reviewing the blanket designated documents and fees incurred in bringing this motion;
- (c) sanctions WoodSmart for its conduct by prohibiting WoodSmart from further use of the Attorneys-Eyes-Only designation during the course of this litigation; and
- (d) grants all other just and appropriate relief.

This the 14th day of March, 2008

Respectfully submitted,

s/ Paul J. Peralta

Paul J. Peralta

Tonya L. Mitchell

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PARTY DEFENDANTS JOHN K.
BANKS, and WILLIAM P. BANKS

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the **MOTION TO COMPEL COMPLIANCE WITH PROTECTIVE ORDER AND FOR SANCTIONS** with the Clerk of Court using the CM/ECF system which will automatically send e-mail notification of such filing to the following attorneys of record:

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This the 14th day of March, 2008.

s/ Paul J. Peralta

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